

# SENATE BILL REPORT

## HB 1888

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As Reported By Senate Committee On:  
Agriculture & Rural Economic Development, March 15, 2007

**Title:** An act relating to Brassica seed production.

**Brief Description:** Regarding Brassica seed production.

**Sponsors:** Representatives Linville, Newhouse, Grant, Hailey and B. Sullivan.

**Brief History:** Passed House: 2/28/07, 97-0.

**Committee Activity:** Agriculture & Rural Economic Development: 3/15/07 [DP].

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler, Ranking Minority Member; Morton and Shin.

**Staff:** Bob Lee (786-7404)

**Background:** Plants from the genus Brassica grown as vegetables for human or animal consumption include cabbage, broccoli, rutabaga, and kohlrabi. The genus Brassica also includes species known as rapeseed or canola grown for oil, biofuel, and associated bio-products. When grown in geographic proximity, Brassica species, hybrids, varieties, and variations can form genetic crosses, which could result in loss of quality, purity, and value of the seed produced.

With the increased interest in expanding production of canola for bio-fuels, there is interest in a formal mechanism to assure high value vegetable seed crops and canola can be grown without cross-pollination.

**Summary of Bill:** Any grower or processor of a Brassica seed crop may petition the Department of Agriculture Director (Director) to request establishment of a Brassica seed production district. In response to the petition, the Director may adopt rules to establish a district. The petition must include:

- proposed geographic boundaries for the district;
- proposed types of regulations for designated species within the district; and
- signatures of ten or more growers or processors of affected Brassica seed crops grown within the district, or, if fewer than ten exist, a list of their names and contact information, and signatures of 50 percent of them.

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Once a Brassica seed production district is established, a person wishing to conduct an otherwise prohibited activity within the district must enter into an agreement with the Director. The agreement will be developed by the applicant and the Director in consultation with an advisory committee. The advisory committee must include three or more Director-appointedees with no financial interest in the request or outcome, and at least one of them must be a grower or processor of Brassica seed crops grown within the district. The Director must be satisfied that the agreement terms and conditions are sufficient to mitigate reasonably possible risks from the proposed activity. Appeals to the Director's decision from the applicant, district growers, or processors are authorized for filing in superior court. The Director, a grower, or processor of in-district crops may bring legal action to enjoin violations or threatened violations of this chapter.

The Director may adopt rules including, but not limited to, production districts and agreements; a centralized notification process for growers intending to plant a crop within a district; isolation distances; exclusion of crops; and control of volunteer and weed plants within a district.

Existing statutory provisions for regulatory authority on the production of rapeseed by variety and location are repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is supported by the Canola Commission. Seed companies from around the world grow much of their vegetable seed in Washington State. The bill provides a forum to set rules to protect prime seed production areas. Growers and seed companies will work with the Department of Agriculture to avoid cross pollination that would disrupt the seed industry.

**Persons Testifying:** PRO: Dan Ollero, Washington Canola and Rapeseed Commission; Jim Armstrong, Spokane County Conservation District; Mark Christianson, Puget Sound Seed Growers Association; Darrin Morrison, Mary Toohey, Department of Agriculture.